

159. (New) The nano- or microparticle of claim 82, in which the protein is not more than 50 amino acids in length and includes, positioned anywhere along its sequence, the contiguous amino acid sequence of: NTRKSSRSNPR (SEQ ID NO:256) or STKRSLIYNHR (SEQ ID NO:257) or STGRKVFNRR (SEQ ID NO:258) or TNAKHSSHNR (SEQ ID NO:259).

160. (New) The nano- or microparticle of claim 82, in which the protein is not more than 50 amino acids in length and includes, positioned anywhere along its sequence, the contiguous amino acid sequence of: DSDVRRPW (SEQ ID NO:260) or AADQRRGW (SEQ ID NO:261) or DGRGGRSY (SEQ ID NO:262).

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161. (New) The nano- or microparticle of claim 82, in which the protein is not more than 50 amino acids in length and includes, positioned anywhere along its sequence, the contiguous amino acid sequence of: RVR (SEQ ID NO:263) or SVRSGCGFRGSS (SEQ ID NO:264) or SVRGGCGAHSS (SEQ ID NO:265).

162. (New) The nano- or microparticle of claim 156, 157, 158, 159, 160 or 161, wherein the protein is not more than 40 amino acids in length.

163. (New) The nano- or microparticle of claim 156, 157, 158, 159, 160 or 161, wherein the protein is not more than 30 amino acids in length.

164. (New) The nano- or microparticle of claim 156, 157, 158, 159, 160 or 161, wherein the protein is not more than 20 amino acids in length.

REMARKS

Claims 1-21, 31-39, 41-69, 71, 72, 75-80 and 83-89 have been canceled without prejudice as being drawn to non-elected inventions.¹ Applicants reserve the right to

¹ In the Amendment filed on May 3, 2000, amended claims 10 and 14 were inadvertently numbered claims 16 and 17, respectively. The cancellation of these claims
(continued...)

prosecute the canceled claims in related applications.

Claims 22, 26-29, 70, 73, 74, 81 and 82 have been amended, and new claims 98-164 have been added, to more particularly point out and distinctly claim the subject matter which Applicants regard as their invention. Support for the amended and new claims can be found in the specification and claims as originally filed as set forth in the chart below. No new matter is added.

Claim	Support in Specification ²	Further Support in Claims as Originally Filed
22, 28, 29, 70, 81, and 82	page 19, lines 26-28; page 20, lines 17-19; and page 30, lines 25-37	1
73	page 25, lines 4-12	41, 71
74	page 21, lines 1-2; and page 25, lines 4-12	41, 71, 72
98, 109, 120, 131, 143, and 154	page 20, line 28 through page 21, line 1	2
99, 110, 121, 132, 144, and 155	page 20, line 28 through page 21, line 1	3
100, 111, 122, 133, 145, and 156	Consensus derived from page 64, lines 1-5	6
101, 112, 123, 134, 146, and 157	Consensus derived from page 64, lines 1-5 page 64, lines 5-9	10
102, 113, 124, 135, 147, and 158	Consensus derived from page 64, lines 1-5 page 64, lines 9-12	14
103, 114, 125, 136, 148, and 159	page 64, lines 1-5	18

¹ (...continued)
makes this error moot.

² The page numbers cited in this response refer to pages in the substitute specification of May 3, 2000.

Claim	Support in Specification ²	Further Support in Claims as Originally Filed
104, 115, 126, 137, 149, and 160	page 64, lines 5-9	19
105, 116, 127, 138, 150, and 161	page 64, lines 9-12	20
106, 117, 128, 139, 151, and 162	page 22, lines 20-26	7, 11, and 15
107, 118, 129, 140, 152, and 163	page 22, lines 20-26	8, 12, and 16
108, 119, 130, 141, 153, and 164	page 22, lines 20-26	9, 13, and 17
142	page 40, lines 27-30	83 ³

After entry of the present amendment, claims 22-30, 40, 70, 73, 74, 81, 82 and 90-164 will be pending in the present application. For the Examiner's convenience, attached hereto as Exhibit A is a list of the claims as pending following the entry of the instant amendment.

The Rejections under 35 U.S.C. § 112, Second Paragraph, Should Be Withdrawn

Claims 22, 28, 29, 70, 73, 74, 81 and 82 are rejected as being dependent on non-elected claims. The claims have been rewritten in independent form and no longer refer to non-elected claims for antecedent basis. The rejection should therefore be withdrawn.

Claim 26 has been rejected, allegedly as being confusing for not specifically claiming the instant subject matter in its recitation of "noncovalently." The term noncovalent would be understood by one of skill in the art to encompass intermolecular forces, including but not limited to, ionic bonding, hydrogen bonding, hydrophilic interactions, electrostatic interactions, and Van der Waals interactions. For example, a protein of the invention can be noncovalently bound to a drug by means of a chelator or by adsorption to a common surface.

³ Claim 83, as originally filed, had the wrong claim dependency; the correct dependency of claim 83 is claim 81 and therefore the claim should have been included in the claims presently examined. To avoid confusion, the claim has been re-introduced into the application as new claim 142.

However, without acquiescing with the Examiner's rejection, and merely to expedite prosecution, claim 26 has been amended to delete the extraneous recitation of "covalently or noncovalently," as the term "bound" encompasses ^{both} covalent and noncovalent binding. Applicants thus request that the rejection of claim 26 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Claim 27 has been rejected, allegedly as being indefinite in its recitation of "second protein." As described in the specification, the second protein can be a therapeutic peptide or protein (see, *e.g.*, page 41, lines 12-15), or a protein which facilitates the purification of a peptide of the invention from a recombinant expression system, such as GST (see, *e.g.*, the example described in Section 6.9 of the specification, beginning at page 83). Applicants believe that the amendment to claim 27 clarifies that the second protein is distinct from the active agent and request that the rejection be withdrawn.

Claim 27 has been rejected, allegedly as being rendered indefinite by the recitation on line 5 of the claim of "'bond' which should be 'bound'". Applicants note to the Examiner that the recitation of "bond" is correct in this context, as it refers to the bond of a covalent nature between the two components of the claimed fusion protein, *i.e.*, (i) the protein comprising a sequence selected from SEQ ID NOS:1-55 or a binding domain thereof; and (ii) a second protein. Applicants believe the rejection is improper and respectfully request its withdrawal.

The Objections to the Claims Should Be Withdrawn

Claim 74 has been objected to as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 74 has been rewritten in independent form. Thus, the rejection has been obviated and should be withdrawn.

Claims 23-25, 30, 40 and 90-97 have been objected to as being dependent upon base claims, specifically claims 22, 28, 29, and 81, that have been rejected under 35 U.S.C. § 112, second paragraph. In view of Applicants' belief that claims 22, 28, 29, and 81, as amended, conform with 35 U.S.C. § 112, second paragraph, Applicants respectfully request that the objection to claims 23-25, 30, 40 and 90-97 be withdrawn.

CONCLUSION

Applicants respectfully request that the amendments and remarks above be

entered and made of record in the present application. Applicants respectfully submit that all pending claims fully meet all statutory requirements for patentability. Action for issuance is respectfully requested.

If any outstanding issues remain, Applicants respectfully request that the Examiner call the undersigned to discuss such issues.

Respectfully submitted,

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Enclosures